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**Official Report
of Debates
(Hansard)**

Monday 20 March 2017

**Journal
des débats
(Hansard)**

Lundi 20 mars 2017

**Standing Committee on
General Government**

School Boards Collective
Bargaining Amendment Act, 2017

**Comité permanent des
affaires gouvernementales**

Loi de 2017 modifiant
la Loi sur la négociation
collective dans les conseils
scolaires

Chair: Grant Crack
Clerk: Sylwia Przewdziecki

Président : Grant Crack
Greffière : Sylwia Przewdziecki



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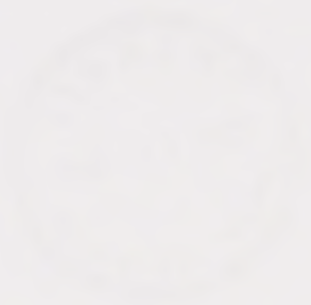
Monday 20 March 2017

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 20 March 2017

Lundi 20 mars 2017

*The committee met at 1400 in committee room 2.*SCHOOL BOARDS COLLECTIVE
BARGAINING AMENDMENT ACT, 2017LOI DE 2017 MODIFIANT
LA LOI SUR LA NÉGOCIATION
COLLECTIVE DANS LES CONSEILS
SCOLAIRES

Consideration of the following bill:

Bill 92, An Act to amend the School Boards Collective Bargaining Act, 2014 and make related amendments to other statutes / Projet de loi 92, Loi modifiant la Loi de 2014 sur la négociation collective dans les conseils scolaires et apportant des modifications connexes à d'autres lois.

The Chair (Mr. Grant Crack): Good afternoon, everyone. I'd like to welcome all members of the committee, support staff, and members of the public. I'd like to call the Standing Committee on General Government to order. Today we are here to go through the clause-by-clause consideration of Bill 92, An Act to amend the School Boards Collective Bargaining Act, 2014 and make related amendments to other statutes.

I'd like to remind members of the committee that we are on an order from the House, and I shall read from that order: "That on Monday, March 20, 2017, at 4 p.m., those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the Committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. At this time, the Chair shall allow one 20-minute waiting period pursuant to standing order 129(a)...."

I believe there are approximately 36 amendments, if I'm not mistaken, so if there are any outstanding as of 4 p.m., then there will be no further discussion on any of the amendments and we will proceed.

Having said that, before we commence clause-by-clause consideration, are there any comments or questions from any members of the committee? There being none, we shall start with section 1.

We have an amendment by the NDP, which is an amendment to section 1, section 2 of the School Boards Collective Bargaining Act, 2014. Ms. Sattler.

Ms. Peggy Sattler: I move that section 1 of the bill be amended by striking out subsections (1), (2) and (4).

The Chair (Mr. Grant Crack): Further discussion?

Ms. Peggy Sattler: We heard from most of the stakeholder groups about the importance of allowing bargaining units the option of participating in collective bargaining or not. We also heard that forcing unions to participate in a central bargaining table could be contradictory to the Charter of Rights. That is a significant concern, which is why I have moved this motion.

The Chair (Mr. Grant Crack): Further discussion on NDP motion number 1? Mr. Anderson.

Mr. Granville Anderson: Chair, mandatory central bargaining ensures central issues such as salaries remain at the central table where the parties are able to address them on a consistent basis across the province. I've spent the past week speaking to parents and kids and some teachers too, and they all assure me that this is essential to have consistency throughout the province. So I recommend we vote against this motion.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion on the motion? There being none, I shall call for the vote on NDP motion number 1. Those in favour? Those opposed? I declare NDP motion number 1 defeated.

There are no other amendments to section 1, so I shall call for the vote on section 1. Is there any discussion on section 1 prior? There being none, I shall call for the vote. Shall section 1 carry? Any opposed? I declare section 1 carried.

We shall move to section 2. There are no amendments. Any discussion? Shall section 2 carry? Any opposed? I declare section 2 carried.

We shall move to section 3, which is a notice to vote against by the third party. Is there any discussion on section 3? There are no amendments. Ms. Sattler?

Ms. Peggy Sattler: Once again, I want to reiterate that the charter should provide that bargaining units should be able to opt in or not to participation in the central bargaining process, which is why the New Democratic Party recommends voting against section 3.

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: I alluded to this section earlier, but I might add that effort has been made to allow for flexibility, choice and mutual dispute resolution options. It would include fair processes for choosing and

withdrawing from or forming an employee bargaining agency.

The Chair (Mr. Grant Crack): Any further discussion? There being none, then I shall call for the vote on section 3. Those in favour of section 3 carrying? Those opposed? I declare section 3 carried.

We shall move to section 4. We have NDP motion number 2, which is an amendment to section 4, clause 14.1(1)(c) of the School Boards Collective Bargaining Act, 2014. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 14.1(1) of the School Boards Collective Bargaining Act, 2014, as set out in section 4 of the bill, be amended by striking out “and” in clause (a), adding “and” at the end of clause (b), and adding the following clause:

“(c) notwithstanding the foregoing, the crown and an employer bargaining agency may not participate in bargaining meetings, mediation or conciliation proceedings unless both ... parties consent.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: I might point out that the crown is not a party to local bargaining and is not seeking involvement in local matters. However, the crown must be available to provide assistance. Allowing the government to assist, when asked, with local bargaining will strengthen the local bargaining process by ensuring consistent understanding and implementation of central terms all across the province.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Coe had his hand up first, so we'll go with Mr. Coe and then Ms. Sattler.

Mr. Lorne Coe: We agree that consent should be sought between the local parties before the government is able to force its assistance on one side or the other.

To my colleague.

The Chair (Mr. Grant Crack): Ms. Thompson.

Ms. Lisa M. Thompson: I think it's very important that we have on record that the notion that this amendment, along with several others, had to be added to this bill illustrates the fact that this government's two-tiered bargaining strategy has been a failure, and here we are today.

The Chair (Mr. Grant Crack): Ms. Sattler.

Ms. Peggy Sattler: The principle of local bargaining is that the bargaining takes place between the employer bargaining agent and the local union. Therefore, since those are the only two parties at the bargaining table, those two parties should have the right to consent to the crown's participation in the process.

The Chair (Mr. Grant Crack): Further discussion?

Just for a point of clarification as we move forward, Ms. Sattler, when you were reading out the amendment, I want to clarify the last line. I believe you left out “local” parties, so it would be, “proceedings unless both local parties consent.” For the record, I just want to make that clear.

Ms. Peggy Sattler: Thank you very much, Chair.

The Chair (Mr. Grant Crack): You're quite welcome.

Any further discussion on NDP amendment 2? There being none, I shall call for the vote. Shall NDP motion number 2 carry? Those opposed? I declare NDP motion number 2 defeated.

Hence, there are no amendments to section 4. Is there any discussion on section 4? There being none, I shall call for the vote. Those in favour of section 4 carrying? Those opposed? I declare section 4 carried.

There are no amendments to sections 5, 6, 7 and 8. Is there any will of the committee to bundle those particular sections? Mr. Coe.

Mr. Lorne Coe: On section 8, there's no question that—and I've said this previously. The two-tiered bargaining system has been a failure and has created chaos—

The Chair (Mr. Grant Crack): Sorry to interrupt you, but we can get to that very shortly.

Is there a consensus that we bundle those, or would you prefer to go individually?

Mr. Lorne Coe: Bundle them.

The Chair (Mr. Grant Crack): Okay, if we're going to bundle them, I'm going to ask: Is there any discussion on any of the sections, 5 through 8?

Mr. Coe. I apologize.

Mr. Lorne Coe: Thank you, Chair. On section 8, just for clarity, there's no question that the government's two-tiered bargaining system has been a failure. It's created chaos for children and parents, and that's what we're here to discuss today. Everything that the government has done in the education system has been bungled.

The Chair (Mr. Grant Crack): Further discussion on any of sections 5, 6, 7 and 8? There being none, then I shall call for the vote. Those in favour of sections 5, 6, 7 and 8 carrying? Those opposed? I declare section 5 carried, section 6 carried, section 7 carried and section 8 carried.

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We shall move to section 9. There is an amendment, government motion number 3, amending section 9 with a new paragraph, 4.1, on subsection 20(3) of the School Boards Collective Bargaining Act, 2014. Mr. Anderson.

Mr. Granville Anderson: I move that subsection 20(3) of the School Boards Collective Bargaining Act, 2014, as set out in section 9 of the bill, be amended by adding the following paragraph:

“4.1 In the case of a council of unions requesting designation, the expiry dates of the collective agreements that apply to the constituent trade unions of the council of unions are the same.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: I propose that the motion would provide for more clarity and consistency by confirming that trade unions with 60 or more bargaining units can only join with other trade unions to form a council if the trade unions have collective agreements with the same expiration date.

The Chair (Mr. Grant Crack): Further discussion? Ms. Thompson.

Ms. Lisa M. Thompson: You know, Chair, as we start working our way through Bill 92, I can't help but be reminded of Bill 172 that we had in this committee about a year ago now. It was stunning how many amendments the government brought forward, because Bill 172 in its state was deeply flawed, and they had to correct a lot of their own work by amendment after amendment. Here we are today, a year later, looking at a different bill, but it's almost like the very same tune because, again, this government is introducing amendments because Bill 92, in the manner in which it was introduced, was deeply flawed. So, really and truly, I just think that it's time this government gets their act together because these amendments probably should have been included in the original draft.

The Chair (Mr. Grant Crack): Further discussion? Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: It is clear that this is in response to feedback that we heard in committee, so I think it's an appropriate place to listen and to enact it, if indeed there were some additional things that could be clarified.

The Chair (Mr. Grant Crack): Further discussion? There being no further discussion, I shall call for the vote on government motion number 3. Those in favour of government motion number 3? Those opposed? I declare government motion number 3 carried.

We shall move to government motion number 4, which is an amendment to section 9, new subsection 20(3.1) of the School Boards Collective Bargaining Act, 2014. Mr. Anderson.

Mr. Granville Anderson: I move that section 20 of the School Boards Collective Bargaining Act, 2014, as set out in section 9 of the bill, be amended by adding the following subsection:

"If a trade union that has been or would be designated as an employee bargaining agency under subsection (2) becomes a constituent member of a council of unions and the council of unions requests a designation under subsection (3), then, despite subsection (2), the minister shall not designate the trade union under subsection (2) and shall, by regulation, revoke any such designation."

The Chair (Mr. Grant Crack): Thank you very much. Just for clarification, after the introductory remarks, do you wish to include "Revocation of designation under subs. (2)"? That was not said.

Mr. Granville Anderson: Yes, sorry. Thank you.

The Chair (Mr. Grant Crack): Okay, very good. Further discussion? Mr. Anderson.

Mr. Granville Anderson: The motion responds to feedback from our partners. It supports a policy that would provide an opportunity for a trade union with 60 or more bargaining units designated as an employee bargaining agency to ask the minister to end its designation if it wishes to form a council of trade unions. I recommend voting for this motion.

The Chair (Mr. Grant Crack): We will also add, under "Revocation of designation under subs. (2)", "(3.1)" for clarification.

Further discussion? Mr. Coe.

Mr. Lorne Coe: This amendment and several others that we will be dealing with later on, in our view should have been included in the initial drafting of the bill. It's not based on what we heard in the delegations. There are some later on that are; these aren't.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 4. Those in favour of government motion number 4? Those opposed? I declare government motion number 4 carried.

We shall move to NDP motion number 5, which is an amendment to section 9, new subsection 20(9.1) of the School Boards Collective Bargaining Act, 2014. Ms. Sattler.

Ms. Peggy Sattler: I move that section 20 of the School Boards Collective Bargaining Act, 2014, as set out in section 9 of the act, be amended by adding the following subsection:

"Consent of unit

"(9.1) Notwithstanding the foregoing an order shall not require an employee bargaining agency to represent a bargaining unit where it does not consent to do so."

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: The rights of local bargaining units to participate freely in the collective bargaining process are protected by the constitution. I believe that this section, that requires the bargaining unit to consent to representation, is vital to protecting those rights.

The Chair (Mr. Grant Crack): Further discussion? Mr. Coe.

Mr. Lorne Coe: This is one aspect that we did hear during the deputations. This particular amendment responds to it, and we will be supporting it.

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: I propose voting against this motion, because it goes against the purpose of enabling the OLRB to provide independent third-party support to trade unions that have not joined an employee bargaining agency.

The proposed motion may also introduce further delays in the bargaining process in circumstances where a bargaining unit is unable to find an applicable employee bargaining agency.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote—

Ms. Peggy Sattler: Can I have a recorded vote?

The Chair (Mr. Grant Crack): Yes, you can. Then I shall call for the vote on NDP motion number 5, and there has been a request for a recorded vote, which will be honoured.

I will turn it over to Madam Clerk.

Ayes

Coe, Sattler, Thompson.

Nays

Anderson, Baker, Colle, Des Rosiers, Rinaldi.

The Chair (Mr. Grant Crack): I declare NDP motion number 5 defeated.

We shall then move on to government motion number 6, which is an amendment to section 9, subsections 20.1(1), (2) and (3) of the School Boards Collective Bargaining Act, 2014. Mr. Baker.

Mr. Yvan Baker: I move that subsections 20.1(1), (2) and (3) of the School Boards Collective Bargaining Act, 2014, as set out in section 9 of the bill, be struck out and the following substituted:

“Changing employee bargaining agency

“20.1(1) If the minister has designated an employee bargaining agency for a specified round of collective bargaining under subsection 20(3) or (11) or this subsection, the minister shall, by regulation, make the same designation for the next round of collective bargaining, unless the minister receives notice under subsection (2) or (2.2).

“Withdrawal of union from council

“(2) If a constituent trade union of a council of unions that was designated as an employee bargaining agency for a specified round of collective bargaining wishes to withdraw from that council for the next round of collective bargaining, it shall give the notice described in subsection (4) to,

“(a) the minister;

“(b) every other constituent trade union that is a member of the same council of unions; and

“(c) every council of unions that has been designated as an employee bargaining agency.

“Same

“(2.1) A constituent trade union that receives a notice under clause (2)(b) shall give the notice described in subsection (4) to the minister and to every council of unions that has been designated as an employee bargaining agency.

“Addition of union to council

“(2.2) If a council of unions that was designated as an employee bargaining agency for a specified round of collective bargaining wishes to include in its council, for the next round of collective bargaining, a trade union that was itself designated as an employee bargaining agency, it shall give, to the minister and to every council of unions that has been designated as an employee bargaining agency, notice that includes the information that the minister may, by regulation, specify.

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“Notice of change

“(3) The notices mentioned in subsections (2), (2.1) and (2.2) may only be given within the period specified by regulation.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Baker.

Mr. Yvan Baker: I recommend voting for this motion. In situations where certain unions wish to withdraw from a council, this proposed motion would provide for more clarity and transparency by ensuring that appropriate notice is provided by all impacted trade unions to the minister and to the other trade unions. This motion supports the policy of providing trade unions with the flexibility to combine tables and to withdraw from a council.

The Chair (Mr. Grant Crack): Ms. Thompson?

Ms. Lisa M. Thompson: Well, Chair, by the calendar today this is the first day of spring, but it feels more like Groundhog Day, and I'll tell you why. There is a common theme coming through bill after bill after bill from this government. This particular motion—proposed amendment, I'll say—is reminiscent of Bill 151.

There is a theme here that is absolutely evident; that is, this Liberal government of the day is moving away from democracy and putting more control in the hands of the minister. Just like Bill 151 wanted to put the absolute control in the environment minister's hands, this bill and, particularly, this government motion, is putting too much control in one person's hands, and that's when it gets dangerous. Specifically, it's giving the minister too much control over the ability to make the same designations for future rounds of collective bargaining.

Ontario is tired of this manner of governing, and we're going to be opposing this because, again, Ontario is a democracy. We're not comfortable with the rolling up of power into one person's hands. It needs to be a team approach. As I said, we absolutely have to oppose this.

I'll pass the microphone over to my colleague.

The Chair (Mr. Grant Crack): Mr. Coe?

Mr. Lorne Coe: Thank you, Chair. Members of the committee will remember that in the deputations that we heard a week and a half ago, there was a prevailing theme, wasn't there? It was about consultation. I asked repeatedly at the deputations, the delegations, about the nature of the consultation. Here, again, there should be additional consultation between all parties—or as in families. That's when we get the best results. You know that. That's what we should be doing before we publish regulations, Chair.

The Chair (Mr. Grant Crack): Ms. Sattler?

Ms. Peggy Sattler: I urge the committee to vote against this amendment. It is one of the fundamental rights of citizenship in this country that labour unions be able to freely participate in the collective bargaining process. This amendment just speaks to the ability of the minister to designate who is going to represent workers in the collective bargaining process not just once, but for all future rounds of collective bargaining. That is deeply troubling, and in fact, we believe it's unconstitutional. We're going to be voting against this amendment.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Lisa M. Thompson: Recorded vote, please.

The Chair (Mr. Grant Crack): There being none, I shall call for the vote on government motion number 6. There has been a request for a recorded vote, which will be entertained.

Ayes

Anderson, Baker, Colle, Des Rosiers, Rinaldi.

Nays

Coe, Sattler, Thompson.

The Chair (Mr. Grant Crack): I declare government motion number 6 carried.

We shall move to government motion number 7, which is an amendment to section 9, subsection 20.1(4) of the School Boards Collective Bargaining Act, 2014. Mr. Anderson?

Mr. Granville Anderson: I move that subsection 20.1(4) of the School Boards Collective Bargaining Act, 2014, as set out in section 9 of the bill, be amended by adding “required under subsection (2) or (2.1)” after “The notice” in the portion before paragraph 1.

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: The proposed motion supports the policy of providing trade unions with the flexibility to combine tables and to withdraw from a council. In situations where certain unions wish to withdraw from a council, the previous motion 6 sought to provide for more clarity and transparency by ensuring that the appropriate notice is provided by all impacted trade unions to the minister and to the other trade unions.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Lorne Coe: Recorded vote, please.

The Chair (Mr. Grant Crack): There is no further discussion. I shall call for the vote on government motion number 7. There has been a request for a recorded vote, which will be entertained.

Ayes

Anderson, Baker, Colle, Des Rosiers, Rinaldi.

Nays

Coe, Sattler, Thompson.

The Chair (Mr. Grant Crack): I declare government motion number 7 carried.

We shall move to government motion number 8, which is an amendment to section 9, new paragraph 3.1 of subsection 20.1(4) of the School Boards Collective Bargaining Act, 2014. Mr. Anderson.

Mr. Granville Anderson: I move that subsection 20.1(4) of the School Boards Collective Bargaining Act, 2014, as set out in section 9 of the bill, be amended by adding the following paragraph:

“3.1 An indication as to whether the trade union intends to be designated as an employee bargaining agency under subsection 20(2) or 20(3), or whether it is, or intends to become, a constituent member of a council of unions that will request designation as an employee bargaining agency under subsection 20(3).”

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: I recommend voting for this motion because the motion supports the change proposed by motion 6. This proposed motion would ensure that, in situations where certain unions wish to withdraw from a council, adequate notice is provided to the impacted parties, including the minister and other trade unions. The proposed motion supports the policy of providing trade unions with the flexibility to combine tables or to withdraw from a council.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 8. Those in favour of government motion number 8? Those opposed to government motion number 8? I declare government motion number 8 carried.

We shall move to government motion number 9, which is an amendment to section 9, subsection 20.1(6) of the School Boards Collective Bargaining Act, 2014. Mr. Anderson.

Mr. Granville Anderson: I move that subsection 20.1(6) of the School Boards Collective Bargaining Act, 2014, as set out in section 9 of the bill, be amended by adding “or (2.1)” after “subsection (2)”.

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: The proposed motion supports the policy of providing unions with the flexibility to combine tables or to withdraw from a council. This proposed motion would provide for more clarity and transparency by ensuring that adequate notice is provided in situations where certain unions wish to withdraw from a council.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 9. Those in favour of government motion number 9? Those opposed? I declare government motion number 9 carried.

We shall move to government motion number 10, which is an amendment to section 9, paragraph 4 of subsection 20.2(1) of the School Boards Collective Bargaining Act, 2014. Mr. Anderson.

Mr. Granville Anderson: I move that paragraph 4 of subsection of 20.2(1) of the School Boards Collective Bargaining Act, 2014, as set out in section 9 of the bill, be struck out and the following substituted:

“The board may consult with trade unions or councils of unions that may be affected.”

The Chair (Mr. Grant Crack): Thank you, Mr. Anderson. I believe you’d like “4.” before “The board may consult,” so it would be:

“4. The board may consult with trade unions or councils of unions that may be affected.”

Further discussion? Mr. Anderson.

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Mr. Granville Anderson: I recommend voting for this motion, Chair. This motion responds to feedback received from the OLRB. The proposed motion would provide consistency and alignment in the language of the SBCBA and the Labour Relations Act. This proposed motion would allow for an efficient and accessible OLRB process.

The Chair (Mr. Grant Crack): Further discussion? Mr. Coe.

Mr. Lorne Coe: Thank you, Chair. In the Auditor General's report on Government Payments to Education-Sector Unions, the Auditor General's first recommendation was that when launching a major provincial initiative that impacts external stakeholders, the Ministry of Education should ensure that a transparent policy and legislative framework is in place before the major initiative is launched. In our view, this proposed amendment falls in line with that recommendation and it's the reason why we'll be supporting it.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There being none, I shall call for the vote on government motion number 10. Those in favour? Those opposed? I declare government motion number 10 carried.

There were a number of amendments carried. Is there any discussion on section 9, as amended, prior to me calling the vote? There being none, then I shall call for the vote. Shall section 9, as amended, carry? Those in favour? Those opposed? I declare section 9, as amended, carried.

We shall move to section 10. There are no amendments. Is there any discussion? There being none, I shall call for the vote. Shall section 10 carry? Those opposed? I declare section 10 carried.

We shall move to section 11. Any discussion on section 11? There being none, I shall call for the vote. Shall section 11 carry? Any opposed? I declare section 11 carried.

We shall move to motion 11, which is a PC proposal for a new section, 11.1, section 28.1, School Boards Collective Bargaining Act. PC motion number 11: Mr. Coe.

Mr. Lorne Coe: Thank you. I move that the bill be amended by adding the following section:

"11.1 The act is amended by adding the following section under the heading 'Negotiations':

"'Crown's duty, professional development

"'28.1 The crown shall, in negotiating under this act, take into consideration the mechanisms and costs for delivering professional development in the education sector and the quality and effectiveness of professional development in the education sector.'"

The Chair (Mr. Grant Crack): Further discussion? Mr. Coe.

Mr. Lorne Coe: I've spoken on this bill a number of times, and in the course of speaking on it, I've made the point to committee members that money for professional development should be allocated for teacher-directed and

teacher-led initiatives. That's been the premise of what I said. I haven't heard any disagreement with that in the Legislature.

Furthermore, a share of professional development funds should also be evaluated for quality and effectiveness. That's also a principle that I've spoken to in the Legislature.

Last, training programs must reflect the experiences of teachers on the ground rather than be dictated from a central administrative body, and funding should be directed as such. This amendment implements, in part, recommendation 4 from the Auditor General's report on Government Payments to Education-Sector Unions. I heard the government, during the discussion, indicate that they're moving ahead with the implementation of other recommendations as well. This amendment is in the spirit of what I've heard in the Legislature and the commitment to fulfill those recommendations as well.

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: I agree with what you've said. However—

Ms. Lisa M. Thompson: Oh, so you're going to support it?

Mr. Granville Anderson: No, no. "However."

Interjections.

The Chair (Mr. Grant Crack): He's agreeing with you, and you're heckling him.

Mr. Granville Anderson: There is a "however."

However, as this legislation serves to outline the process for collective bargaining, this motion is outside the scope of the legislation, right? So that's why. This act is not the appropriate forum for provisions related to professional development.

Consistent with the Auditor General's recommendation, the ministry is continually assessing the most appropriate bodies to deliver each type of professional development in the education sector. For that reason, I can't support it.

Ms. Lisa M. Thompson: I knew it. That "however."

Mr. Lorne Coe: We were so hopeful.

Laughter.

The Chair (Mr. Grant Crack): Further discussion? I'm glad everyone's enjoying themselves. It's good to see.

I shall call for the vote on PC motion 11.

Mr. Lorne Coe: Recorded, please.

The Chair (Mr. Grant Crack): I shall call for the vote. There has been a request which shall be entertained.

Ayes

Coe, Sattler, Thompson.

Nays

Anderson, Baker, Colle, Des Rosiers, Rinaldi.

The Chair (Mr. Grant Crack): I declare PC motion 11 defeated.

We shall move to PC motion 12, which is a proposal for a new PC section 11.2: section 28.2, School Boards Collective Bargaining Act, 2014. Ms. Thompson.

Ms. Lisa M. Thompson: I move that the bill be amended by adding the following section:

“11.2 The Act is amended by adding the following section under the heading ‘Negotiations’:

“‘Funding for bargaining costs

“28.2 The crown shall not fund bargaining costs from funds allocated for schools or school programs.””

The Chair (Mr. Grant Crack): Further discussion? Ms. Thompson.

Ms. Lisa M. Thompson: Well, we have heard the minister state that the cost of collective bargaining will be net zero, but our concerns are that resources will be pulled out of the classroom. It has been done before and we worry how much more can be pulled out.

Students and parents are already equipping schools with everything from paper towels, toilet paper, tissues, pens, papers—the list could go on and on—and it’s totally unacceptable to be pulling any further resources out of the classroom.

Passing this amendment ensures that our teachers will have the resources they need to teach Ontario students and support the families at the same time.

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: Again, Mr. Chair, as this legislation outlines a process for collective bargaining, this motion is outside the scope of the legislation. The government has been very clear that it has no intention of funding bargaining costs for educational sector unions in future rounds. That was made clear during the debate.

The Chair (Mr. Grant Crack): Further discussion? Ms. Thompson.

Ms. Lisa M. Thompson: I’m just going to ask for a recorded vote.

The Chair (Mr. Grant Crack): Any further discussion on PC motion number 12? There being none, I shall call for the vote.

A recorded vote has been requested and shall be entertained.

Ayes

Coe, Sattler, Thompson.

Nays

Anderson, Baker, Des Rosiers, Rinaldi.

The Chair (Mr. Grant Crack): I declare PC motion number 12 defeated.

We shall move to section 12. There are no amendments. Is there any discussion on section 12? There being none, I shall call for the vote.

Shall section 12 carry? Those opposed? I declare section 12 carried.

We shall move to section 13. We have NDP motion 13, which is an amendment to section 13, subsection 31(5), School Boards Collective Bargaining Act, 2014. Ms. Sattler.

Ms. Peggy Sattler: I move that section 13 of the bill be struck out and the following substituted:

“13. Subsection 31(5) of the School Boards Collective Bargaining Act, 2014, is repealed and the following substituted:

“‘Collective bargaining begins six months before collective agreement ends.

“(5) The notice under section 59 of the Labour Relations Act, 1995, may be given at any time before the collective agreement ceases to operate, and if it has not been given by the day six months before the collective agreement ceases to operate, it is deemed to have been given on that day.””

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: This amendment responds to feedback that we heard during the public input process. We know that people in this province can become frustrated—parents can become frustrated, teachers, education workers—by the length of time that it takes to negotiate collective agreements.

This provision would ensure that the collective bargaining process would begin at least six months before the collective agreement ends, enabling the time that is required to come up with a collective agreement and ensure peace in our schools.

1440

The Chair (Mr. Grant Crack): Further discussion on NDP motion 13? Mr. Anderson.

Mr. Granville Anderson: Again, mandatory central bargaining ensures that central issues, such as salaries, remain at the central table where the parties are able to address them on a consistent basis across the province. It will also help facilitate the local bargaining process by ensuring that all local bargaining units and school boards have applicable central terms. Effort has been made to allow for flexibility, choice and a mutual dispute resolution option. This includes fair processes for choosing, withdrawing from or forming an employee bargaining agency.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for a vote on NDP motion number 13. Those in—

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote, which shall be entertained.

Ayes

Sattler.

Nays

Anderson, Baker, Coe, Colle, Des Rosiers, Rinaldi, Thompson.

The Chair (Mr. Grant Crack): I declare NDP motion number 13 defeated.

There are, therefore, no amendments to section 13. Is there any discussion on section 13 in its entirety? There being none, I shall call for the vote. Shall section 13 carry? Those opposed? I declare section 13 carried.

We shall move to section 14. There are no amendments. Is there any discussion on section 14? There being none, I shall call for the vote. Shall section 14 carry? Any opposed? I declare section 14 carried.

We shall move to section 15. We have government motion number 14, which is an amendment to subsection 15(1), paragraph 3, subsection 33(1), School Boards Collective Bargaining Act, 2014. Mr. Anderson.

Mr. Granville Anderson: I move that paragraph 3 of subsection 33(1) of the School Boards Collective Bargaining Act, 2014, as set out in subsection 15(1) of the bill, be amended by striking out “section 41 or 41.1”.

The Chair (Mr. Grant Crack): “Of.”

Mr. Granville Anderson: “Of.”

The Chair (Mr. Grant Crack): Could you read it again? “I move that paragraph 3”—

Mr. Granville Anderson: Okay. I move that paragraph 3 of subsection 33(1) of the School Boards Collective Bargaining Act, 2014, as set out in subsection 15(1) of the bill, be amended by striking out “section 41 or 41.1 of”.

The Chair (Mr. Grant Crack): All right. Thank you very much. Further discussion? Mr. Anderson.

Mr. Granville Anderson: I recommend voting for the motion because it’s a technical amendment to allow for a clean drafting of the bill. And this is the other section, Mr. Speaker. The proposed motion would provide consistency and alignment in the language of Bill 92 by removing unnecessary references to transitional provisions.

Motion 24 includes a technical amendment that would provide further repeal of sections that address the transitional period, i.e., the time between when the bill gets royal assent, if this occurs, or when mandatory participation in bargaining is proclaimed in force.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 14. Those in favour of government motion 14? Those opposed? I declare government motion 14 carried.

We shall move to government motion 15, which is an amendment to subsection 15(1), subsection 33(1.1), School Boards Collective Bargaining Act, 2014. Mr. Anderson?

Mr. Granville Anderson: I move that subsection 33(1.1) of the School Boards Collective Bargaining Act, 2014, as set out in subsection 15(1) of the bill, be amended by adding “subsection 15(1) of” before “the School Boards Collective Bargaining Amendment Act, 2017”.

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: Thank you. This improves the effectiveness of the SBCBA by providing clarity as to

the terms that apply to bargaining units that become part of a union partway through the term of the central agreement.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 15. Those in favour of government motion 15? Those opposed? I declare government motion number 15 carried.

We shall move to government motion number 16, which is an amendment to subsection 15(5), subsection 33(3) of the School Boards Collective Bargaining Act, 2014. Mr. Anderson.

Mr. Granville Anderson: I move that subsection 33(3) of the School Boards Collective Bargaining Act, 2014, as set out in subsection 15(5) of the bill, be amended by striking out “and” after clause (b), adding “and” at the end of clause (c) and adding the following clause:

“(d) govern first collective agreements and transitional matters relating to the operation of first collective agreements, and establish and govern processes for addressing disputes relating to the operation of first collective agreements.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: This improves the effectiveness of the SBCBA by ensuring there is sufficient clarity for the parties who become part of a union partway through a central agreement.

The Chair (Mr. Grant Crack): Further discussion? Mr. Coe.

Mr. Lorne Coe: In our reading of the amendment, there’s not enough clarity to determine how the government will govern these agreements or establish processes for addressing a dispute. It’s simply not clear enough.

At the end of the day, the issue that the amendment is trying to address could be dealt with at the Ontario Labour Relations Board, in our view. We won’t be supporting this amendment.

The Chair (Mr. Grant Crack): Thank you very much. Madame Des Rosiers?

M^{me} Nathalie Des Rosiers: The amendment is simply to provide additional power to the Lieutenant Governor to do regulations on this. That’s the purpose. In a sense, it allows for clarity, if indeed in the long term it might be necessary to pursue this.

Mr. Lorne Coe: Without the benefit of seeing the regulations, it’s hard to judge.

The Chair (Mr. Grant Crack): Ms. Thompson?

Ms. Lisa M. Thompson: To your point, with all due respect, regulations are composed and done behind closed doors. The transparency is missing in that regard.

The Chair (Mr. Grant Crack): Madame Des Rosiers?

M^{me} Nathalie Des Rosiers: Regulations have to be posted, as well.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 16. Those in favour of government

motion 16? Those opposed? I declare government motion number 16 carried.

There were three amendments to section 15 that carried. Is there any further discussion on section 15, in its entirety? There being none, I shall call for the vote on section 15, as amended. Shall section 15, as amended, carry? Those opposed? I declare section 15, as amended, carried.

We shall move to section 16. We have NDP motion number 17, which is an amendment to subsection 16(1), subsection 34(1) of the School Boards Collective Bargaining Act, 2014. Ms. Sattler?

Ms. Peggy Sattler: I move that section 16 of the bill be amended by striking out subsection (1).

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: We heard quite a bit of feedback during the public input process about this section of the act and about the need for the additional five days' notice. The Ontario Labour Relations Board already includes provisions to deal with this situation. There have been no experiences in the prior round of collective bargaining that would point to the need for this amendment. That is why we believe that this section should be amended by striking out subsection (1).

The Chair (Mr. Grant Crack): Further discussion?

Mr. Granville Anderson: I don't like sounding repetitive. Mandatory central bargaining ensures central issues, such as salaries, remain at the central table. Where the parties are able to address them on a consistent basis across the province, it would also help facilitate the local bargaining process by ensuring that all local bargaining units and school boards have applicable central terms.

1450

The Chair (Mr. Grant Crack): Further discussion on NDP motion 17? There being none, I shall call for the vote on NDP motion number 17. Those in favour of NDP motion number 17? Those opposed? I declare NDP motion number 17 defeated.

We shall move to government motion number 18, which is an amendment to subsection 16(4), subsections 34(7) and (8) of the School Boards Collective Bargaining Act, 2014. Mr. Anderson.

Mr. Granville Anderson: I move that subsection 16(4) of the bill be struck out and the following substituted:

“(4) Section 34 of the act is amended by adding the following subsections:

““Change in strike

“(7) If a change to the nature or scope of a strike in respect of central or local bargaining will result in the complete withdrawal of instruction or services in one or more schools of a school board, notice shall be given, as required under subsection (3) or (4), as the case may be, at least five days before the change commences or occurs, and shall indicate the date the change will commence or occur.

““Change in lock-out

“(8) If a change to the nature or scope of a lock-out in respect of central or local bargaining will result in the

closure of one or more schools of a school board, notice shall be given, as required under subsection (5) or (6), as the case may be, at least five days before the change commences or occurs, and shall indicate the date the change will commence or occur.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: Labour disputes can be disruptive for parents and students. Requiring an additional five days' notice before a full strike or a lockout will help ensure students and their families are well-informed in advance of any possible impact of labour disruptions.

The Chair (Mr. Grant Crack): Further discussion on government motion number 18? There being none, I shall call for the vote. Those in favour of government motion number 18? Those opposed? I declare government motion number 18 carried.

We shall move to NDP motion number 19, which is an amendment to subsection 16(4), subsection 34(7) of the School Boards Collective Bargaining Act, 2014. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 16(4) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: There was no evidence of any need for the additional notice, and there are already provisions under the Ontario Labour Relations Board to deal with notice to be given regarding a strike or lockout.

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: Labour disputes can be disruptive for parents and students. Requiring an additional five days' notice before a full strike or lockout is key to ensuring that students and their families are well-informed in advance of any possible impact of labour disruptions.

Again, Chair, I, throughout my constituency, have had this discussion. Parents and students are very supportive of this. It gives them more time. Whether a parent needs to find a babysitter etc. or are allowed to make allowances in the workplace, this allows for that. This is what we do when we put students first. Thank you, Chair.

The Chair (Mr. Grant Crack): You're quite welcome. Further discussion? There being none, I shall call for a vote on NDP motion number 19. Those in favour of NDP motion 19? Those opposed? I declare NDP motion number 19 defeated.

There was one amendment in section 16 that carried. Is there any discussion on section 16, as amended? There being none, I shall call for the vote. Shall section 16, as amended, carry? Any opposed? I declare section 16, as amended, carried.

We shall move to section 17. Any discussion on section 17? There being none, I shall call for the vote. Shall section 17 carry? Any opposed? I declare section 17 carried.

We shall move to section 18. Any discussion on section 18? There being none, I shall call for the vote.

Shall section 18 carry? Any opposed? I declare section 18 carried.

Section 19 is dependent on the result of either passage or defeat of government motion number 22, so I would ask the committee if they would want to stand that one down until we deal with number 22 and then return to it?

Interjection.

The Chair (Mr. Grant Crack): We will stand down section 19 and then we shall move to section 20, and we'll deal with government motion 21. Is that fair enough? Do I have consensus? Okay, fair enough.

We are standing down section 19. We shall move to section 20. We will move to government motion number 21, which is an amendment to section 20, subsection 41.1(6), I believe, School Boards Collective Bargaining Act, 2014. Mr. Anderson.

Mr. Granville Anderson: I move that subsection 41.1(6) of the School Boards Collective Bargaining Act, 2014, as set out in section 20 of the bill, be amended by striking out "provided that the crown is satisfied on consultation that the position of the employer bargaining agencies and employee bargaining agencies is authorized" at the end.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Granville Anderson: This is a technical amendment that would provide clarity and consistency to the bargaining process. The proposed motion responds to feedback from our partners. The language being removed is unnecessary as the employer bargaining agencies and employee bargaining agencies are already responsible for ensuring their positions are supported or authorized by the parties that they represent.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion on government motion 21? There being none, I shall call for the vote. Those in favour of government motion number 21? Those opposed? I declare government motion number 21 carried.

We shall move to government motion number 22, which is an amendment to section 20, creating new section 41.1.1, School Boards Collective Bargaining Act, 2014. Mr. Anderson.

Mr. Granville Anderson: I move that section 20 of the bill be amended by adding the following section to the School Boards Collective Bargaining Act, 2014:

"Transitional; no employee bargaining agency

"41.1.1(1) This section applies to a school board and a bargaining agent if an employee bargaining agency has not been designated for the employees represented by the bargaining agent.

"Continuation

"A school board and a bargaining agent may enter into an agreement to continue the term of operation of a collective agreement between them, with or without modifications to the central terms of the collective agreement, for a period of two, three, four or five years.

"Same

"(3) If an agreement is entered into under subsection (2),

"(a) the collective agreement is continued for the period set out in the agreement; and

"(b) the collective agreement is deemed to provide for the continuation and for an expiry date of August 31.

"Agreement expires

(4) If a collective agreement that was continued under clause (3)(a) continues to operate on the day that section 9 of the School Boards Collective Bargaining Amendment Act, 2017 comes into force and, on or after that day, an employee bargaining agency is designated for the employees represented by the bargaining agent,

"(a) the continued collective agreement is deemed to expire on the same day as the other collective agreements that include central terms negotiated by the employee bargaining agency; and

"(b) if the employer bargaining agency enters into an agreement described in subsection 41.1(1) to continue the term of operation of collective agreements described in that subsection, the agreement to continue shall also apply to the collective agreement that was continued under clause (3)(a), and that collective agreement is deemed to expire on the same day as provided for by the agreement to continue."

The Chair (Mr. Grant Crack): Thank you very much. Great job. We just have one omission, I believe. Under "Continuation," I believe you wanted to say "(2)" prior to beginning the words. Correct?

Mr. Granville Anderson: Correct.

The Chair (Mr. Grant Crack): That is correct. Thank you very much.

Further discussion on government motion number 22? Mr. Anderson.

Mr. Granville Anderson: This motion would allow for the extension of local agreements that only have local terms. This would align with section 41.1 of the act, as proposed in Bill 92, which provides for the extension of agreements that include central and local terms. The proposed motion would confirm that local parties' extension agreements are valid.

The Chair (Mr. Grant Crack): Further discussion? Mr. Coe.

Mr. Lorne Coe: Just a point of clarification, through you, Chair. It's under the subheading "Same," (3)(b): "the collective agreement is deemed to provide for the continuation and for an expiry date of August 31."

Each year—is that the intent? Through you, Chair, can we get an answer through staff?

The Chair (Mr. Grant Crack): Thank you very much. I'll defer to the government side.

Mr. Granville Anderson: We have an expert from the ministry who will clarify that for you.

The Chair (Mr. Grant Crack): Is there consensus in the committee that we—

Interjection: Agreed.

The Chair (Mr. Grant Crack): Actually, with the order of the House, we cannot.

The Clerk of the Committee (Ms. Sylwia Przedziecki): Yes, we can.

The Chair (Mr. Grant Crack): Can we? Okay. Very good.

Mr. Mike Colle: Can we get a three-minute recess?

Mr. Lorne Coe: We can take a 10-minute recess.

The Chair (Mr. Grant Crack): How about a five?

Interjections.

The Chair (Mr. Grant Crack): Okay. There has been a request for a 10-minute recess. Is it the consensus of the committee—

Mr. Mike Colle: Two minutes.

The Chair (Mr. Grant Crack): There has been a request for a two-minute recess. Do I have consensus on two minutes?

Mr. Mike Colle: Agreed.

Mr. Lorne Coe: Five minutes.

The Chair (Mr. Grant Crack): I have a consensus for five.

Mr. Mike Colle: Five; okay.

The Chair (Mr. Grant Crack): I have a consensus for five. This meeting is recessed for five minutes.

The committee recessed from 1503 to 1508.

The Chair (Mr. Grant Crack): Okay. Back to order. Prior to the five-minute break, we had a point of clarification based on “Same”, (3)(b), regarding “an expiry date of August 31.” Mr. Anderson.

Mr. Granville Anderson: We have with us Andrew Davis, ADM from the labour relations branch. He’s going to be providing some clarification.

The Chair (Mr. Grant Crack): Mr. Davis, you’re more than welcome to come forward for clarification. Welcome. Please introduce the individual you’re with.

Mr. Andrew Davis: Good afternoon. Again, I’m Andrew Davis, acting assistant deputy minister of the Education Labour Relations Division. With me to my left is Danna Brown, legal counsel for the Ministry of Education.

The question is in regard to (b), about the deemed expiry date of August 31. That is true for every year in the extension period, as all of the collective agreements are expected to run with the school year, which is from September 1 to August 31. If there is an extension, then we keep with the school year when you extend.

Mr. Lorne Coe: Thank you, Chair.

The Chair (Mr. Grant Crack): You’re quite welcome. Thank you for coming before our committee this afternoon. I appreciate it.

Further discussion on government motion number 22? There being none, I shall call for the vote. Those in favour of government motion number 22? Those opposed? I declare government motion 22 carried.

We shall move to government motion 23, which is an amendment to section 20, subsection 41.2(1) of the School Boards Collective Bargaining Act, 2014. Mr. Anderson.

Mr. Granville Anderson: I move that subsection 41.2(1) of the School Boards Collective Bargaining Act, 2014, as set out in section 20 of the bill, be struck out and the following substituted:

“Transition

“41.2(1) An agreement described in subsection 41.1(1) or 41.1.1(1) that,

“(a) satisfies the applicable conditions for entering into the agreement;

“(b) was entered into before the day the School Boards Collective Bargaining Amendment Act, 2017 received royal assent; and

“(c) was conditional on legislative changes being enacted that would authorize the making of such an agreement,

“is not invalid solely because of subsection 41(6), as it read before the day the School Boards Collective Bargaining Amendment Act, 2017 received royal assent, or because the agreement was conditional in nature.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: The proposed sections would clarify that local parties’ current extension agreements are valid. The flexibility to pursue longer agreements or extensions to existing agreements can help provide stability and consistency for all parties.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion 23. Those in favour of government motion 23? Those opposed? I declare government motion 23 carried.

We shall move to government motion 24, which is an amendment to section 20, new subsections 20(2) and (3). Mr. Anderson.

Mr. Granville Anderson: Thank you, Chair. I move that section 20 of the bill be amended by adding the following subsections:

“(2) Section 41.1.1 of the act, as enacted by subsection (1), is repealed.

“(3) Section 41.2 of the act, as enacted by subsection (1), is repealed.”

The Chair (Mr. Grant Crack): Further discussion on government motion 24? Mr. Anderson?

Mr. Granville Anderson: Again, Chair, this is a technical amendment that would allow transitional provisions to be repealed when they are no longer applicable.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion 24. Those in favour of government motion 24? Those opposed? I declare government motion 24 carried.

There are four amendments that carried on section 20, so I shall ask if there’s any discussion on section 20, as amended. There being none, I shall call for the vote on section 20, as amended. Those in favour? Those opposed? I declare section 20, as amended, carried.

We shall move back to section 19, as was previously agreed to stand down. We have government motion number 20, which is an amendment to subsection 19(2), subsection 41(6) of the School Boards Collective Bargaining Act, 2014. Mr. Anderson?

Mr. Granville Anderson: Thank you again, Chair. I move that subsection 19(2) of the bill be struck out and the following substituted:

“(2) Subsection 41(6) of the act is repealed and the following substituted:

“‘No continuation of term

“(6) Despite subsection 58(2) of the Labour Relations Act, 1995, no agreement may be entered into to continue the term of operation of a collective agreement or of any of its provisions beyond the term of operation of the agreement, except in accordance with section 41.1 or 41.1.1 of this act, and any renewal provision in a collective agreement that purports to do so is deemed to be void.’

“(3) Subsection 41(6) of the act, as re-enacted by subsection (2), is amended by striking out ‘or 41.1.1’ after ‘section 41.1.’”

The Chair (Mr. Grant Crack): Further discussion?

Mr. Granville Anderson: Thank you, Chair. Motion 22 proposes to add subsection 41.1.1. That would allow for the extension of local agreements that only have local terms. It would confirm that local parties’ extension agreements are valid.

The Chair (Mr. Grant Crack): Further discussion on government motion number 20? There being none, I shall call for the vote on government motion number 20. Shall government motion number 20 carry? Those opposed? I declare government motion number 20 carried.

There is one amendment to section 19. As a result, is there any discussion on section 19, as amended? There being none, I shall call for the vote. Those in favour of section 19, as amended, carrying? Those opposed? I declare section 19, as amended, carried.

Section 21: There are no amendments. Any discussion? There being none, I shall call for the vote. Shall section 21 carry? Any opposed? I declare section 21 carried.

We shall move to PC motion number 25, which is proposing new section 21.1, section 43.1 of the School Boards Collective Bargaining Act. Mr. Coe.

Mr. Lorne Coe: I move that the bill be amended by adding the following section:

“21.1 The act is amended by adding the following section before the heading ‘General’:

“After Collective Agreement

“Regulations, use of funds

“43.1 The Lieutenant Governor in Council may, in order to ensure funds provided under this act are used for their intended purposes, make regulations governing the monitoring of and reporting on the use of the funds.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Coe.

Mr. Lorne Coe: This amendment that’s before committee, Chair, implements recommendation 6, as members will know from the Auditor General’s report on this issue. The government committed to implement all of those recommendations as recently as a week and a half ago when the minister and, following that, the parliamentary assistant spoke on Bill 92. So the commitment is well established. Passing this amendment will solidify the government’s commitment to fix the problems that the Auditor General’s report highlighted.

Again, I’d like to emphasize that the minister and the parliamentary assistant spoke on this particular area, and this amendment reflects and mirrors their commitment, both in the Legislature and in committee.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Granville Anderson: Again, this legislation deals with the process for collective bargaining. This motion is outside the scope of the legislation.

However, Chair, the government is committed to ensuring accountability with all distributed funds already in place under the transfer payment accountability directive.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 25.

Mr. Lorne Coe: Recorded, please.

The Chair (Mr. Grant Crack): There is a request for a recorded vote, which will be entertained.

Ayes

Coe, Thompson.

Nays

Anderson, Baker, Colle, Des Rosiers, Rinaldi, Sattler.

The Chair (Mr. Grant Crack): I declare PC motion number 25 defeated.

Members of committee, there are no proposed amendments to sections 22, 23, 24, 25 and 26. Is it the interest of the committee to bundle those? I don’t hear any opposition, so I will ask: Is there any discussion on either of section 22, section 23, section 24, section 25 or section 26? There being none, then I shall call for the vote on section 22, section 23, section 24, section 25 and section 26. Those in favour? Those opposed? I declare section 22 carried, section 23 carried, section 24 carried, section 25 carried and section 26 carried.

1520

We shall move to section 27. There is an amendment proposed by the PC Party: number 26. It is a proposed amendment to section 27, new subsection 2(1) of the Public Sector Salary Disclosure Act, 1996. Ms. Thompson.

Ms. Lisa M. Thompson: I move that section 27 of the bill be amended by adding the following subsection:

“(2) The definition of ‘public sector’ in subsection 2(1) of the act is amended by striking out ‘or’ at the end of clause (m) and by adding the following clauses:

“(o) the Education Quality and Accountability Office,

“(p) the Languages of Instruction Commission of Ontario,

“(q) the Minister’s Advisory Council on Special Education,

“(r) the Ontario Educational Communications Authority,

“(s) the Ontario French-Language Education Communications Authority,

“(t) the Provincial Schools Authority, or

“(u) trustees’ associations within the meaning of the School Boards Collective Bargaining Act, 2014;”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Ms. Thompson.

Ms. Lisa M. Thompson: As Bill 92 adds trustees’ associations to the Public Sector Salary Disclosure Act, if we’re going to increase accountability in terms of measures in the government, then why not add all of the agencies that report to the Ministry of Education to the Public Sector Salary Disclosure Act? It just makes sense.

The Chair (Mr. Grant Crack): Further discussion? Mr. Anderson.

Mr. Granville Anderson: I recommend voting against this motion because the agencies listed in this motion do not engage in collective bargaining under this act, making this bill an inappropriate place for this motion to be addressed.

As suggested by the Auditor General’s special report, Government Payments to Education-Sector Unions, the crown has proposed changes to increase the transparency of funding flowing to the trustees’ associations. Crown agencies are already included and are actively following the reporting requirements set out in the public salary disclosure act, 1996, making this motion inappropriate and largely redundant.

The Chair (Mr. Grant Crack): Further discussion? Ms. Thompson.

Ms. Lisa M. Thompson: I just believe, Chair, that I heard the member opposite say that they’re voting against accountability and transparency. That’s very disappointing, but not unexpected given past behaviour.

I want to make it noted and have it on record that this amendment also implements aspects from the Auditor General’s recommendations, specifically number 6, from the report, Government Payments to Education-Sector Unions. They may not agree with the Auditor General with regard to advertising conditions, but for goodness’ sake, let’s support the Auditor General with regard to her recommendation number 6 in the report and do the right thing in this case.

The Chair (Mr. Grant Crack): Further discussion? Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Obviously this is not being against transparency when it’s already required. The Education Quality and Accountability Office already provides disclosure of salaries.

The Chair (Mr. Grant Crack): Further discussion? Ms. Thompson.

Ms. Lisa M. Thompson: You didn’t mention accountability. You know what? The province is broke. It is time that we absolutely, positively allow every voter in Ontario the opportunity to see where their hard-earned tax dollars are going.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 26.

Ms. Lisa M. Thompson: May it be recorded?

The Chair (Mr. Grant Crack): I have a request for a recorded vote, which will be entertained.

Ayes

Coe, Thompson.

Nays

Anderson, Baker, Colle, Des Rosiers, Rinaldi, Sattler.

The Chair (Mr. Grant Crack): I declare PC motion number 26 defeated.

There are no amendments to section 27 as a result. Is there any discussion on section 27 in its entirety? There being none, I shall call for the vote. Shall section 27 carry? Those opposed? I declare section 27 carried.

We shall move to section 28. We have NDP motion number 27. Ms. Sattler.

Ms. Peggy Sattler: Given that that part of the bill already passed, I’m going to withdraw this motion.

The Chair (Mr. Grant Crack): That is in order to withdraw. Therefore, we shall move to NDP motion number 28. Ms. Sattler.

Ms. Peggy Sattler: I withdraw.

The Chair (Mr. Grant Crack): That is in order. We shall move to NDP motion number 29. Ms. Sattler.

Ms. Peggy Sattler: I withdraw.

The Chair (Mr. Grant Crack): Thank you. That is in order. Withdrawn. We shall move to NDP motion number 30. Ms. Sattler.

Ms. Peggy Sattler: I withdraw.

The Chair (Mr. Grant Crack): That is in order. NDP motion 30 is withdrawn. We shall move to NDP motion number 31.

Ms. Peggy Sattler: I withdraw.

The Chair (Mr. Grant Crack): NDP motion number 31: Withdrawal is in order. We shall move to NDP motion number 32. Ms. Sattler.

Ms. Peggy Sattler: I withdraw.

The Chair (Mr. Grant Crack): It is in order for you to withdraw NDP motion 32. Thank you. We shall move to NDP motion 33. Ms. Sattler.

Ms. Peggy Sattler: I withdraw.

The Chair (Mr. Grant Crack): NDP motion number 33 is withdrawn. That is in order. We shall move to government motion number 34. Mr. Anderson.

Mr. Granville Anderson: I move that subsection 28(2) of the bill be struck out and the following substituted:

“(2) Subsections 1(1), (2) and (4), sections 3, 8, 9, 11, 12, 13, 14, subsections 15(2), (3) and (4), 16(1) and (2) and 17(1), section 18 and subsections 19(3) and 20(2) and (3) come into force on a day to be named by proclamation of the Lieutenant Governor.”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Mr. Anderson.

Mr. Granville Anderson: I propose voting for this motion because the proposed motion would ensure that there is alignment and parity in Bill 92. This motion would provide necessary updates to subsection 28(2),

which includes a provision of the bill that will come into force on proclamation, if this bill passes.

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: I believe that we should be voting against this motion. The subsections that have been passed today, I think, contravene the right of bargaining units to engage freely in the collective bargaining process by mandating that they participate in central tables. This is a contravention of the rights under the Charter of Rights and Freedoms, I believe, and should not be countenanced by this committee.

The Chair (Mr. Grant Crack): Further discussion on government motion 34?

Mr. Lorne Coe: Recorded vote, please, Chair, through you.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. Further discussion? Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I think the issue of the constitutional adequacy needs to be put in the context that you have to read in the constitutional protection in the interpretation. I think, to that extent, you don't need to clarify to have the Constitution apply. I think that's one way of ensuring that indeed the protection is already read in. The protection of freedom of association is part of our constitution, so you read that in and you interpret the act in light of this.

To the extent that there would be some violation, then it can be saved by section 1 of the charter in the balancing that needs to be achieved.

The Chair (Mr. Grant Crack): Thank you. Ms. Sattler?

Ms. Peggy Sattler: I appreciate that clarification. Certainly, we saw exactly that happen with Bill 115, when this Legislature approved legislation that was later found to contravene the Charter of Rights and Freedoms. We're very concerned that the same thing could happen again with this legislation because of the charter protection for free participation in the collective bargaining process.

The Chair (Mr. Grant Crack): Further discussion? Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I think we are satisfied that probably the balancing that has been struck will be reflected and will achieve a different result.

Ms. Peggy Sattler: I hope so.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 34. There has been a request that it be recorded, which will be entertained.

Ayes

Anderson, Baker, Colle, Des Rosiers, Rinaldi.

Nays

Coe, Sattler, Thompson.

The Chair (Mr. Grant Crack): I declare government motion number 34 carried.

As a result, section 28 is amended. Is there any discussion on section 28, as amended? There being none, I shall call for the vote. Those in favour of section 28, as amended, carrying? Those opposed? I declare section 28, as amended, carried.

We shall move to section 29, which is the short title. Is there any discussion on the short title? There being none, I shall call for the vote. Shall section 29 carry? Those opposed? I declare section 29 carried.

We shall move to the title of the bill. Is there any discussion on the title of the bill? There being none, I shall call for the vote.

Mr. Lou Rinaldi: A recorded vote, please.

The Chair (Mr. Grant Crack): A recorded vote on the title?

Mr. Lou Rinaldi: Not on the title. Sorry.

The Chair (Mr. Grant Crack): Okay.

Mr. Lou Rinaldi: I was ahead of myself.

The Chair (Mr. Grant Crack): We could entertain that.

Interjections.

Mr. Lou Rinaldi: I'm getting excited.

The Chair (Mr. Grant Crack): Is there any discussion on the title of the bill? There being none, I shall call for the vote. Those in favour? Those opposed? I declare the title of the bill carried.

Shall Bill 92, as amended, carry? Is there any discussion? There being none, I shall—

Mr. Lou Rinaldi: Recorded vote, Chair.

The Chair (Mr. Grant Crack): I shall call for the vote. There is a request for a recorded vote which will be entertained.

Ayes

Anderson, Baker, Coe, Colle, Des Rosiers, Rinaldi, Thompson.

Nays

Sattler.

The Chair (Mr. Grant Crack): I declare Bill 92, as amended, carried.

Members of the committee, shall I report this bill, as amended, to the House? Those in favour? Those opposed? I declare that I shall report the bill, as amended, to the House. Carried.

I would like to thank all members of the committee for their hard work this afternoon in good time—very efficient. Thank you to support staff here with us today and the Clerk's office.

I declare this committee meeting adjourned.

The committee adjourned at 1532.

STANDING COMMITTEE ON GENERAL GOVERNMENT

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Mr. Grant Crack (Glengarry–Prescott–Russell L)

Vice-Chair / Vice-Président

Mr. Granville Anderson (Durham L)

Mr. Granville Anderson (Durham L)
Mr. Yvan Baker (Etobicoke Centre / Etobicoke-Centre L)
Mr. Mike Colle (Eglinton–Lawrence L)
Mr. Grant Crack (Glengarry–Prescott–Russell L)
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Mr. Lorne Coe (Whitby–Oshawa PC)
Mr. Lou Rinaldi (Northumberland–Quinte West L)
Ms. Peggy Sattler (London West ND)

Also taking part / Autres participants et participantes

Mr. Andrew Davis, acting assistant deputy minister,
Education Labour Relations Division,
Ministry of Education

Clerk / Greffière

Ms. Sylwia Przedziecki

Staff / Personnel

Ms. Catherine Oh, legislative counsel